REMARKS

Allowable Subject Matter

The Examiner determined that claims 45, 71, 83-86 and 103-104 would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims. Additionally, the Examiner determined that claims 82 and 93-94 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and to include all of the limitations of the base claim and the intervening claims.

As discussed in detail below, applicant has incorporated the allowable subject matter for each of these dependent claims into their respective base claims. Applicant also incorporated the allowable subject matter into the dependent claims of the other base claims. For example, claim 25 is the base claim of claim 45 and claims 42-44 are intervening claims therebetween. The allowable subject matter of claim 45 relates to using a visual signifier to indicate the accuracy of location data. Accordingly, the allowable subject matter of claim 45 is incorporated into its base claim, claim 25. Similarly, the allowable subject matter of claim 71 and the subject matter of intervening claim 70 is incorporated into claim 60, the base claim of claim 71. Additionally, the dependent claims of claim 25 and claim 60 are amended to include the allowable subject matter of claims 71 and 45, respectively.

Amendments to the Specification

The amendments to the specification are being made to correct typographical errors.

Amendments to the Claims

Upon entry of the foregoing amendment, claims 1-3, 6-15, 18-25, 28-41, 46-49, 60-69, 72-76, and 78-109 are pending in the application. Of the pending claims, claims 1, 13, 25, 60, 72, 73, 87, 90, 97, and 100 are independent.

I. Claim Objections

The Examiner has objected to claims 29-30, 88-89 and 95-96 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claims 88, 89, 95, and 96 to depend from pending claims. Applicant believes that claims 29 and 30 respectively depend from claims 25 and 29, neither of which has been cancelled, and has not sought to amend the dependency of claims 29 and 30.

II. Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-3, 6-12, 81-82, 87 and 91-94 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 87, the Examiner concluded that the limitation "each feature in the set" had insufficient antecedent basis. Accordingly, applicant has amended the claims to replace the limitation "each feature in the set" with the limitation "each of said attributes in the set" which has proper antecedent basis. The term "attribute" is used consistently in the claims and does not add new matter. With this amendment to claim 1, applicant has accommodated the rejection under 35 U.S.C. §112, second paragraph for claims 1, 2-3, 6-12, 87 and 91-94.

Regarding claim 81 and 82, the Examiner concluded that the limitation "said device" had insufficient antecedent basis because there are multiple devices in the claim. The limitations of claim 81 have been incorporated into amended claim 82, in which the limitation for "said device" is amended to particularly refer to the "second cooperating device." With this amendment in claim 82, applicant has accommodated the rejection under 35 U.S.C. §112, second paragraph for claims 81 and 82.

III. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-3, 6, 8-11, 13-15, 18, 20-23, 25, 28, 31-44, 46-47, 52-69, 72-76, 80-81, 87, 90-93, 97-102 and 105-109 as being anticipated by U.S. Patent 5,810,680 by Lobb et al. ("the Lobb patent").

A. The Claimed Invention

As set forth in the Background of the Invention section of the patent application, the present invention is intended to be distinguished from a number of patents that are under the management of golf courses. In its several embodiments, the invention allows a user to "positionally map and/or play a golf course whether or not the course offers positional equipment or information" and "provides the user with complete autonomy" from such management (see Application, p.9 at line numbers 10-12 and p.10 at line numbers 21-23). One example of this autonomy from the known golf course managed systems is the ability to replay rounds while avoiding "potentially incompatible play data gathered from differing course owned systems" management (see Application, p.11 at line numbers 5-9). As described in detail in the patent application, such an autonomous replay of rounds allows the user to vary the speed of the replay

(see Application, pp. 33, 73), and the Examiner even identified this adjustable-speed replay feature as allowable subject matter.

The general feature that permits the user to perform this adjustable speed-replay is the course-player software that is processed by at least one of the information processing and viewing devices. According to the invention, the user does not just control the data record of play locations, the user autonomously controls the player software that processes map data files and the play location data. According to the present invention, the user can personally map courses and even modify map files using the mapper software, even if the courses use incompatible positional equipment (see Application, p.11 at line numbers 13-22). As yet another example of this autonomy from course-based systems, the user can even use the mapper software and/or player software for other applications in addition to the particular example for golf, including navigating, hiking, hunting, biking, farming (see Application, p.12 at line numbers 5-10). Therefore, each of the examples of autonomy from the golf course managed systems is generally based on the ability of the user to autonomously create, use, and modify data files by having autonomous control over the mapper software and/or the player software, apart from course-based systems.

B. The Lobb Reference

The Lobb patent generally discloses a course-based player system that permits a user to download and maintain control of a pre-created topographical file and to create and maintain control of a user file with locations and statistics. The user does not have any control over mapper software to create a topographical file or even modify a pre-created topographical file. Additionally, a user does not even have control over the player software to replay one's own user file.

The Lobb patent allows a user to store map files and the user files on the user's own storage device, but the user is limited to using these files at golf courses that "operate a compatible golf game database management system" (column 6, lines 58-67). There is no provision in the Lobb patent for creating one's own map or modifying a pre-created map. Additionally, the user has no opportunity to play the user files apart from such a compatible golf game database management system because the player software is only on the course-controlled system. When the user checks in at the golf course, the user receives the apparatus that executes the player software (column 8, lines 54-59). Once the user has received the apparatus, it operates in a manner similar to previously known systems (column 9, lines 37-48). At the end of the round, the user returns the apparatus to the golf course (column 11, lines 22-28).

The Lobb patent also considers that its system could also be used for hunting, skiing, bicycling, and other sports that cover relatively large areas (column 12, lines 22-32). The Lobb patent does not suggest that the use of the system for these applications should be autonomous from a course-managed system. What the Lobb patent does suggest that these applications could also use the course-managed system methodology. In particular, for the hunting application example, the Lobb patent teaches using the device at "private hunting reserves" without any suggestion of an autonomous use (column 12, line 27-29).

C. Independent Claims 1 and 13 and Dependent Claims

Claims 1 and 13 are amended to particularly claim the autonomous nature of the present invention. In particular, the first information processing and viewing device maps the golf course, producing the first set of information, by executing the course-mapper software. Additionally, the second information processing and viewing device executes the course-player

software to access the first set of information through the network autonomously from any positional equipment at the golf course.

Applicants respectfully submit that the Lobb patent does not teach each step of the present invention according to claim 1 as amended. Specifically, the Lobb patent does not teach the step of "executing course-mapper software" in the first information processing and viewing device nor does the Lobb patent teach "accessing said first set of information through said network ... autonomously from any positional equipment at the golf course...." Therefore, the Lobb patent does not anticipate independent claim 1, as amended, and the claims that depend thereon, claims 2, 3, 6-12, 93 and 94 because the Lobb patent does not teach either of these steps.

Similarly, the Lobb patent does not teach each element of the present invention according to claim 13 as amended. The first information processing and viewing device of the Lobb patent does not execute course-mapper software, and the second information processing and viewing device does not receive the first set of information "with autonomy from any positional equipment at the golf course." Therefore, the Lobb patent does not anticipate independent claim 13, as amended, and the claims that depend thereon, claims 14, 15, 18-24, 103, and 104 because the Lobb patent does not teach either of these elements.

Applicant respectfully submits that the Lobb patent actually teaches away from the autonomy of the present invention. The Lobb patent is limited to previously known systems that are managed and controlled by the golf course, not the user. The Lobb patent specifically limits the user to only accessing the map and user files at those golf courses with a "compatible golf game database management system." Even when the device is used for hunting, the Lobb patent teaches that the use should be managed by a private hunting reserve.

Dependent claims 2 and 14 have also been amended to incorporate the allowable subject matter from claim 86, in which the information processing and viewing device is operable with the antenna in a reception only mode.

Dependent claims 3 and 15 have also been amended to incorporate the allowable subject matter from claim 45 which relates to using a visual signifier to indicate the accuracy of location data.

Dependent claims 8, 9, 21, and 22 have also been amended to incorporate the allowable subject matter from claim 71, wherein the moving representation of playing the golf course is displayable in alterable manners including the rate of progression of the representation.

D. Independent Claim 25 and Dependent Claims

Claim 25 is amended to incorporate the allowable subject matter from its dependent claim 45. The prior art does not teach of suggest the device as claimed wherein a visual signifier indicates the accuracy of location data. Therefore, claim25 and its dependent claims, claims 28-41 and 46-49, should now be in a condition for allowance.

E. Independent Claim 60 and Dependent Claims

Claim 60 is amended to incorporate the allowable subject matter from its dependent claim 71. The prior art does not teach or suggest the device as claimed wherein a moving representation of playing the golf course is displayable in alterable manners including the rate of progression of the moving representation. Therefore, claim60 and its dependent claims, claims 61-69, should now be in a condition for allowance.

F. Independent Claim 72

Claim 72 is amended to incorporate the allowable subject matter from claims 45, 71 and 86. The prior art does not teach or suggest the device as claimed wherein a visual signifier

indicates the accuracy of location data, or wherein a moving representation of playing the golf course is displayable in alterable manners including the rate of progression of the moving representation, or wherein the information processing and viewing device is operable with an antenna in a reception only mode. Therefore, claim72 should now be in a condition for allowance.

G. Independent Claim 73 and Dependent Claims

Claim 73 is amended to incorporate the allowable subject matter from its dependent claim 86. The prior art does not teach or suggest the device as claimed wherein the information processing and viewing device is operable with an antenna in a reception only mode. Therefore, claim73 and its dependent claims, claims 74-76, 78-85 and 107-109, should now be in a condition for allowance.

H. Independent Claim 87 and Dependent Claims

Claim 87 is amended to incorporate the allowable subject matter from claim 71. The prior art does not teach or suggest the process as claimed wherein replaying a moving representation can be performed in an alterable manner including an adjustable replay speed for the moving representation. Therefore, claim 87 and its dependent claims, claims 88 and 89, should now be in a condition for allowance.

I. Independent Claim 90 and Dependent Claims

Claim 90 is amended to incorporate the allowable subject matter from claim 71. The prior art does not teach or suggest the process as claimed wherein replaying a moving representation can be performed in an alterable manner including an adjustable replay speed for the moving representation. Therefore, claim 90 and its dependent claims, claims 91, 92, 95 and 96, should now be in a condition for allowance.

J. Independent Claim 97 and Dependent Claims

Claim 97 is amended to incorporate the allowable subject matter from claim 71. The prior art does not teach or suggest the system as claimed wherein the second information processing and viewing device replays a moving representation in an alterable manner including an adjustable replay speed for the moving representation. Therefore, claim 97 and its dependent claims, claims 98 and 99, should now be in a condition for allowance.

K. Independent Claim 100 and Dependent Claims

Claim 100 is amended to incorporate the allowable subject matter from claim 71. The prior art does not teach or suggest the system as claimed wherein the second information processing and viewing device replays a moving representation in an alterable manner including an adjustable replay speed for the moving representation. Therefore, claim 100 and its dependent claims, claims 101, 102, 105 and 106, should now be in a condition for allowance.

IV. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 7, 19 (identified as claim 13 by Examiner but probably intended to be claim 19) and 48-50 as being unpatentable over Lobb in view of Mauney et al. (US Patent 5,214,757). The Examiner has rejected claims 12, 24 and 51 as being unpatentable over Lobb in view of Born et al. (US Patent 5,949,679). The Examiner has rejected claims 78-79 as being unpatentable over Lobb in view of Dudley (US Patent 5,772,534). The Examiner has rejected claim 70 as being unpatentable over Lobb in view of Barber (US Patent 5,245,537).

A. Lobb in View of Mauney

The Examiner concludes that Lobb does not teach updating a geographical database with current information, but concludes that it would have been obvious to update the geographical

database in Lobb using the method taught by Mauney in order to have an accurate representation of the course.

As discussed above in Section III.C, with regard to claim 1, as amended, the Lobb patent also fails to disclose the step of "accessing said first set of information through said network ... autonomously from any positional equipment at the golf course...." Neither the Lobb patent nor the Mauney patent disclose or suggest accessing the information autonomously from any positional equipment at the golf course. As discussed above in Section III.C., the Lobb patent actually teaches away from the autonomous nature of the present invention. Therefore, Lobb in view of Mauney fails to teach the invention as set forth in claim 1 and the claims that depend thereon, including claim 7. Similarly, Lobb in view of Mauney fails to teach the invention as set forth in claim 13 and the claims that depend thereon, including claim 19.

Merely incorporating the mapping features taught by the Mauney patent into the device taught by the Lobb patent fails to teach the invention as set forth in claims 1 and 13, as amended, and its dependent claims. The combined Lobb/Mauney device would still be based on the "compatible golf game database management system" which would require a user to check in at the golf course to obtain the apparatus that executes the player software and would require the user to return the apparatus at the golf course. Accordingly, the Lobb/Mauney system would be based on the positional equipment at the golf course rather than being autonomous from the positional equipment at the golf course. Therefore, applicant submits that the autonomous nature of the present invention as particularly defined in claims 1 and 13, as amended, and their dependent claims are not obvious based on Lobb in view of Mauney.

Claims 48 and 49 also remain pending in the application. As discussed above in Section III.D, claims 48 and 49 are dependent on claim 25 which is amended to incorporate the allowable

subject matter from its dependent claim 45. Therefore, claims 48 and 49 should now be in a condition for allowance.

B. Lobb in View of Born

The Examiner concludes that Lobb does not specifically teach a web site for accessing the database, but concludes that it would have been obvious to use a web site because Born teaches accessing scoring data through a web site.

At the most, the combination of Born and Lobb suggest making golf scoring information available through the web site. There is disclosure or suggestion that data representative of a golf course topography be made available through the web site. Such a system would be in direct opposition to the teaching of Lobb, because, as discussed above in Sections III.C. and IV.A., the Lobb patent actually teaches away from the autonomous nature of the present invention. Therefore, Lobb in view of Born fails to teach the invention as set forth in claims 1 and 13, as amended, and the claims that depend thereon, including claims 12 and 24.

C. Lobb in View of Dudley and Barber

The rejections of claims 70, 78 and 79 have been rendered moot because claim 70 has been cancelled and claims 78 and 79 are dependent on claim 73 which is amended to incorporate the allowable subject matter from its dependent claim 86, as discussed above in Section III.G. Therefore, claims 78 and 79 should now be in a condition for allowance.

V. Conclusion

Accordingly, applicant respectfully submit that independent claims 1, 13, 25, 60, 72, 73, 87, 90, 97, and 100 are allowable over the prior art of record, including the Lobb, Mauney and

Born patents. For similar reasons, and for the additional reasons set forth above, applicants urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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